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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,155	08/24/2001	Brian A. Hansche	IRI05446	4168 *
22863	7590	06/29/2005	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD 1L01/3RD SCHAUMBURG, IL 60196			ZHONG, CHAD	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/939,155

Applicant(s)

HANSCH ET AL.

Examiner

Chad Zhong

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**OFFICE ACTION**

1. This action is responsive to communications: After Final Amendment, filed on 5/16/2005. The finality of the original final action dated 4/15/2005 has been withdrawn as necessitated by Applicant's arguments.

Claims 1-20 are presented for examination. In amendment B, filed on 5/16/2005:

2. It is noted that although the present application does contain line numbers in specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.

3. Applicant is required to update the status (pending, allowed, etc.) of all parent priority applications in the first line of the specification. The status of all citations of US filed applications in the specification should also be updated where appropriate.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-12, 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosenberg et al. (hereinafter Rosenberg), "SIP Extensions for Presence", Internet Engineering Task Force, June 2000.

6. As per claim 1, Rosenberg teaches a method for obtaining presence information by a first user

through a first network, the method comprising the steps of:

transmitting by the first user (pg 31, Fig 2, subscriber A) to a presence proxy (pg 31, Fig 2, proxy in domain Y) a subscribe message (pg 31, Fig 2, subscribe 3) for presence information of a second user (pg 31, Fig 2, presence server, note that the server can act as a proxy or a PA – presence agent, see for example, pg 19, “5.4 presence server processing of subscribe”);

transmitting by the presence proxy (pg 31, Fig 2, where proxy transmit subscribe message to presence server, which act as PA) to a presence agent (pg 31, Fig 2, PA is the presence server) the subscribe message, the presence agent related to the second user; and

transmitting by the presence agent the presence information to the presence proxy (pg 12, “in fact, it is possible ..... received previously”, 2<sup>nd</sup> to last paragraph, where the success response is generated at the presence agent and forwarded to the presence server, and then back to the subscriber).

7. As per claim 2, Rosenberg teaches the method for obtaining presence information as claimed in claim 1, wherein there is further included the step of transmitting by the presence proxy to the first user, the presence information (pg 12, “in fact, it is possible ..... received previously”, 2<sup>nd</sup> to last paragraph, where the success response is generated at the presence agent and forwarded to the presence server, and then back to the subscriber).

8. As per claim 3, Rosenberg teaches the method for obtaining presence information as claimed in claim 1, wherein there is further included the steps of:

storing by the presence proxy the presence information (The presence server is storing presence information, see for example, pg 35, 2<sup>nd</sup> paragraph); and

transmitting the stored presence information to the first user at a later time (pg 22, 2<sup>nd</sup> paragraph, where the route information can be reused in subsequent communications; pg 12, 1<sup>st</sup> paragraph).

9. As per claim 4, Rosenberg teaches the method for obtaining presence information as claimed in

claim 1, wherein the step of transmitting the subscribe message includes the step of transmitting by the first user the subscribe message for presence information of a plurality of second users (pg 31, Fig 2, where the presence server can act as the client or an agent, further, refer to Fig 1 on pg 8 for additional details on multiple secondary users), at least one of said plurality of second users being located in a second network (pg 31, Fig 2).

10. As per claim 5, Rosenberg teaches the method for obtaining presence information as claimed in claim 4, wherein the step of transmitting the presence information further includes the step of transmitting by the presence proxy a plurality of response messages to the first user, each of the plurality of response messages including presence information of one of the plurality of second users (pg 12, 2<sup>nd</sup> to last paragraph).

11. As per claim 6, Rosenberg teaches a method for obtaining presence information by a first user through a first network, the method comprising the steps of:

transmitting, by the first user to a presence proxy, a subscribe message for presence information of a plurality of second users (pg 31, Fig 2);

transmitting, by the presence proxy to a plurality of presence agents, a plurality of subscribe messages, each of the plurality of presence agents corresponding to one of the plurality of second users (pg 8, Fig 1); and

transmitting by the presence proxy a single response message including the presence information of each of the plurality of second users (pg 12, 2<sup>nd</sup> to last paragraph).

12. As per claim 7, Rosenberg teaches the method for obtaining presence information as claimed in claim 6, wherein there is further included the step of transmitting by each of the plurality of presence agents to the presence proxy, the presence information corresponding to at least one of the plurality of

second users (pg 8, Fig 1).

13. As per claim 8, Rosenberg teaches the method for obtaining presence information as claimed in claim 6, wherein there is further included a step of storing by the presence proxy the presence information of each of the plurality of second users (The presence server is storing presence information, see for example, pg 35, 2<sup>nd</sup> paragraph; pg 22, 2<sup>nd</sup> paragraph; pg 12, 1<sup>st</sup> paragraph).

14. As per claim 9, Rosenberg teaches the method for obtaining presence information as claimed in claim 8, wherein the step of transmitting a single response message includes the steps of:

forming said single response message including the presence information of each of said plurality of second users (pg 8, 2<sup>nd</sup> paragraph, wherein the call-ID value represent a session where the requests and response to requests are associated with); and

transmitting the formed single response message to the first user (pg 8, 2<sup>nd</sup> paragraph).

15. As per claim 10, claim 10 is rejected for the same reasons as rejection to claim 4 above.

16. As per claim 11, claim 11 is rejected for the same reasons as rejection to combination of claims 1 and 6 above.

17. As per claims 12, claims 12 is rejected for the same reasons as rejection to claim 7, above.

18. As per claim 14, Rosenberg teaches the method for obtaining presence information as claimed in claim 11, wherein the step of transmitting by the first user an identity of a list includes the step of indicating by the first user the identity of one of a plurality of lists of second users for which to obtain presence information (pg 12, middle of the page, wherein the list of users are defined in the "To:" statement, this statement defines the destination which the subscriber is trying to subscribe to).

19. As per claim 15, claim 15 is rejected for the same reasons as rejection to claim 4 above.

20. As per claim 16, Rosenberg teaches a method for obtaining presence information by a first user through a first network, the method comprising the steps of:

transmitting by a presence agent a notify message to a presence proxy, the notify message including presence information of a second user (pg 12, 2<sup>nd</sup> to last paragraph);

transmitting the notify message by the presence proxy to the first user (pg 12, 2<sup>nd</sup> to last paragraph);  
and

storing the presence information of the second user by the presence proxy (The presence server is storing presence information, see for example, pg 34, 2<sup>nd</sup> paragraph; pg 22, 2<sup>nd</sup> paragraph; pg 13, 1<sup>st</sup> paragraph), if the presence proxy fails to receive an acknowledgement message from the first user (the presence server stores the information no matter what in accordance with the standard, see for example, pg 66, "requirement 2.5.2").

*Claim Rejections - 35 USC § 103*

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg et al. (hereinafter Rosenberg), "SIP extensions for Presence", Internet Engineering Task Force, June 2000, in view of, Rosenberg et al. (hereinafter Rosenberg II), "A data format for presence using XML", Internet Engineering Task Force, June 2000

23. As per claim 13, Rosenberg does not explicitly teach combining by the presence proxy the presence information from the presence agents to produce a combined response message; and transmitting the combined response message to the first user.

In a similar system that deals with presence systems, Rosenberg II teaches combining a presentity represented by a multitude of presence user agents (PUAs), each of which generates presence information for a particular subset of the overall presence state of a presentity (pg 1, lines 7-10, lines 25-30, lines 35-40), the combining aspect defines the standard which states "how these presence components are combined to yield a complete presence document" (pg 1, lines 10-15).

It would have been obvious to the person ordinary skill in the art at the time of the invention to combine teachings of Rosenberg and Rosenberg II in order to provide union of two presence documents that are related to the same presentity (pg 7, lines 20-35).

24. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg et al. (hereinafter Rosenberg), "SIP extensions for Presence", Internet Engineering Task Force, June 2000, in view of Jiang et al. (hereinafter Jiang), US 2003/0059004.

25. As per claim 17, Rosenberg does not explicitly teach the method for obtaining presence information as claimed in claim 16 wherein there is further included a step of regaining access by the first user to the presence proxy through the first network.

In a similar system, Jiang teaches:

a step of regaining access by a first user to the presence proxy through the first network ([0053]). Jiang teaches failure recovery of the original failed node. It would have been obvious to combine teachings of Rosenberg and Jiang because they are both dealing proxy server, furthermore, the teachings of Jiang to have step of regaining access by a first user to the presence proxy through the first network would improve the failure recovery and reliability of Rosenberg's system by allowing for continual usage



of the original failed node ([0015]).

26. As per claim 18, Rosenberg teaches the method for obtaining presence information as claimed in claim 17 wherein there is further included the step of transmitting a subscribe message by the first user, the subscribe message including a request for presence information of a third user (pg 30, Fig 2).

27. As per claim 19, Rosenberg teaches the method for obtaining presence information as claimed in claim 18 wherein there is further included the steps of:

responsive to the step of transmitting a subscribe message for presence information of the third user, transmitting by the presence proxy a subscribe message for presence information of the third user to a presence agent (pg 30, Fig 2, proxy transmit the subscribe message to PA); and

transmitting by the presence agent a response message to the presence proxy, the response message including the presence information of the third user (pg 12, 2<sup>nd</sup> to last paragraph).

28. As per claim 20, Rosenberg teaches the method for obtaining presence information as claimed in claim 19 wherein there is further included the step of transmitting by the presence proxy to the first user the presence information of the third user and the presence information of the second user (pg 12, 2<sup>nd</sup> to last paragraph).

### *Conclusion*

29. Applicant's remarks filed 1/31/05 have been considered but are found moot regarding the new grounds of rejection.

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "PRESENCE WATCHER PROXY".

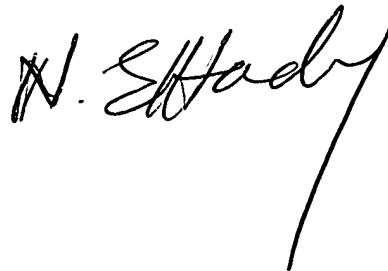
- i. "SIP Extensions for Presence", Rosenberg et al., Internet Engineering Task Force, December 2000.
- ii. US 6564261 Gudjonsson et al.
- iii. US 2001/0034771 H[0092]tsch et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be reached on M-F 7:15 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BURGESS, GLENTON B can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CZ  
June 1, 2005

A handwritten signature in black ink, appearing to read "N. E. Hardy", with a long, sweeping vertical stroke extending downwards from the end of the signature.